

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
COUNTY OF MARION))
) SS: CIVIL DIVISION, ROOM ____
) CAUSE NO.:

CAROL McKENNEY,)
)
Plaintiff,)
)
vs.)
)
SAM'S EAST, INC., d/b/a "Sam's Club", and)
WAL-MART STORES EAST, INC.,)
)
Defendants.)

PLAINTIFF'S COMPLAINT FOR DAMAGES

COMES NOW the Plaintiff, Carol McKenney, by counsel, and for her cause of action against the Defendants, Sam's East, Inc., d/b/a "Sam's Club" and Wal-Mart Stores East, Inc., states and alleges as follows:

1. At all times relevant, the Plaintiff, Carol McKenney, was a resident of the State of Indiana, residing at 211 W 1000 S, Pendleton, Indiana 46064.
2. At all times relevant, the Defendant, Sam's East, Inc., doing business as "Sam's Club" (hereinafter "Sam's Club"), was and is a Foreign For-Profit Corporation operating and maintaining a place of business at 7235 E. 96th Street, Indianapolis, Marion County, Indiana 46250, with a principal office located at 702 SE 8th Street, Bentonville, Arkansas 72716.
3. At all times relevant, the Defendant, Wal-Mart Stores East, Inc., (hereinafter "Wal-Mart"), was and is a Foreign For-Profit Corporation which wholly owns and operates all Sam's Club stores, with a principal office located at 708 SW 8th Street, Bentonville, Arkansas 72716.

4. On April 26, 2018, Plaintiff, Carol McKenney, was on the premises of the Sam's Club store located at 7235 E. 96th Street, Indianapolis, Marion County, Indiana 46250 for the purpose of conducting business therein.
5. On April 26, 2018, Plaintiff was on the premises of Sam's Cub as a business invitee.
6. On April 26, 2018, as Plaintiff was inside the store near the area believed to be designated as aisle 6, Plaintiff tripped over one or more large bolts, believed to be commonly referred to as an "anchor bolts", which were protruding up from the floor near the entry to aisle 6.
7. Plaintiff tripped on the protruding bolts in the walkway, causing her to fall to the floor and sustain injuries.
8. Plaintiff sustained injuries to her person, including but not limited to her right hip, right leg, right knee, neck and lower back, as a direct result of the fall which occurred on Defendant Sam's Club's premises.
9. Defendants are the owners of the property where Plaintiff fell and was injured, and at all times relevant, had control over the area where Plaintiff fell and was injured.
10. Defendants owed Plaintiff a duty of reasonable care as an invitee.
11. Defendants owed Plaintiff a duty to make the premises safe for store patrons free of obstructions and potential tripping hazards.
12. Defendants owed Plaintiff a duty to inspect the premises for unsafe and potentially hazardous conditions and obstructions.
13. Defendants owed Plaintiff a duty to warn of any known hazards or dangerous conditions that existed on their property.
14. Defendants and their agents, employees and representatives were negligent in one

or more of the following manners:

- a. Failed to exercise reasonable care to inspect the premises for hazardous conditions, including but not limited to obstructions and potential tripping hazards on the premises;
- b. Failed to exercise reasonable care to maintain the premises in a reasonably safe condition for invitees of Sam's Club;
- c. Failed to warn Plaintiff and other invitees of the dangerous and hazardous condition which existed on the premises;
- d. Failed to exercise reasonable care to fix or otherwise remedy the hazardous condition which existed on the premises;

15. That Defendants' negligence was a direct and proximate cause of Plaintiff's injuries and resulting damages.

16. Plaintiff was injured and has sustained damages in the form of medical expenses, pain, suffering, emotional distress and loss of quality of life as a direct and proximate result of the Defendants' negligence.

WHEREFORE, the Plaintiff, Carol McKenney, by counsel, Ian W. Thompson, respectfully prays that judgment be entered in Plaintiff's favor, that she be awarded damages commensurate with her injuries, for the costs of this action, and for all other relief just and proper in the premises.

Respectfully submitted,

/s/ Ian W. Thompson

Ian W. Thompson, #25835-49
Attorney for Plaintiff

Ian W. Thompson
608 East Market Street
Indianapolis, IN 46202
Email: ianthompson1979@att.net
317-631-6866 (PH)
317-685-2329 (FAX)

REQUEST FOR TRIAL BY JURY

Comes now Plaintiff, by counsel, and respectfully request a trial by jury in the above-captioned cause of action.

Respectfully submitted,

/s/ Ian W. Thompson
Ian W. Thompson, #25835-49
Attorney for Plaintiff

Ian W. Thompson
608 East Market Street
Indianapolis, IN 46202
Email: ianthompson1979@att.net
317-631-6866 (PH)
317-685-2329 (FAX)